



DECISION No 214

on the implementing provisions
for Articles 5, 6, 7 and 8 of Decision No 129/2003 of the Secretary-General
on document management at the CoR:
"Creating and preserving official files of the Committee of the Regions"

THE SECRETARY-GENERAL

- HAVING REGARD TO** Article 33 of Decision No 129/2003 of the Secretary-General on document management at the CoR;
- WHEREAS** it is necessary to adopt the implementing provisions for the creation of official files within the meaning of Article 5 Decision No 129/2003;
- WHEREAS** it is necessary to adopt the implementing provisions for the evaluation and preservation of official files within the meaning of Articles 6, 7 and 8 of Decision No 129/2003;
- WHEREAS** an effective records management policy ensures a high degree of transparency vis-à-vis the public, preserves the institution's activities for posterity and facilitates the exchange of information, both internally and externally;
- WHEREAS** there is a need to create and classify official files to record the conduct of tasks managed in the course of the Committee's activities;
- WHEREAS** it is essential for the Committee to have a uniform and consistent policy on evaluating and preserving its official files;
- WHEREAS** the transfer, preservation or destruction of official files must be justified, planned and regulated by a standardised procedure;

HEREBY DECIDES:

.../...

CHAPTER I: PREAMBLE

ARTICLE 1

SCOPE

This decision complements Decision No 405/2006 of the Secretary-General on the implementing provisions for Articles 2 and 4 of Decision No 129/2003 of the Secretary-General on document management at the CoR: "filing Committee of the Regions documents".

This decision represents the common standard to be met by all departments of the Committee of the Regions with respect to the creation and preservation of official files, regardless of their medium (paper, electronic, etc.).

It does not apply to documents produced as a result of the activities of the Joint Services of the Committee of the Regions and the European Economic and Social Committee.

ARTICLE 2

DEFINITIONS

Preservation schedule:

A list of rules for preserving documents applicable to all series of the Committee's official files, indicating for each series the name of the originating department, the period of administrative value (PAV), the point at which departments must transfer official files to the Archives Service and their disposition on expiry of the PAV (preservation, destruction).

Official file:

A file that organises all the documents resulting from an activity for which an originating department is responsible, regardless of their medium (paper, electronic, etc.). An originating department must be identified and an official file created for each activity.

Official files are the following types of Committee archive:

- from creation until closure, official files are current archives;
- after closure and for as long as they remain of administrative, legal and/or financial value, files are intermediary archives;
- on expiry of the PAV, official files which are to be preserved in view of their historical or heritage value become historical archives.

Originating department:

The department that produces documents as a result of the activities for which it is responsible. For each activity it shall ensure that an official file is drawn up and that management rules established by the Committee are duly applied.

Transferring department:

The department which transfers an official file to the Archives Service. Usually this is the originating department, but due to organisational changes it may happen that the department responsible for transferring official files is not the department which produced them.

Period of administrative value (PAV):

Legal or practical period of time during which an official file may not be destroyed (minimum preservation period) due to the fact that it may be needed in view of its administrative, legal and/or financial value. On expiry of the PAV, a decision on the disposition of the official file is applied.

Disposition:

Outcome determined by evaluation of the historical and heritage value of a series of official files which is applied on completion of their PAV. Official files can either be destroyed or definitively preserved.

Transmittal form:

Document recording a transfer with a detailed summary of official files sent to the Archives Services by a transferring department; the transmittal form, signed by the transferring department and the Archives Service, serves as a record of the transfer.

Destruction form:

Document recording destruction with a detailed summary of official files whose destruction is proposed. Before any physical destruction, the destruction form must be signed by the transferring department and the Archives Service.

**ARTICLE 3
OBJECTIVES**

The objectives of creating and describing the Committee's official files shall be as follows:

- to ensure the proper functioning and continuity of this public service, for example if there is a change in the official and/or department responsible for the file, by grouping together all the documents produced and/or received in connection with a Committee activity;
- to allow quick and accurate searching for documents and make it easier to track them over their life cycle, thus ensuring transparency and the right of public access to documents, in accordance with Committee provisions¹.

¹ Bureau Decision No 64/2003 on "Public access to Committee of the Regions documents" and Bureau Decision No 128/2003 on "Public access to Committee of the Regions documents via the electronic document register", under the terms of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001).

The objectives of establishing common rules for preserving the Committee's official files shall be as follows:

- to identify the responsibilities of originating departments and to ensure physical protection for official files necessary for Committee's existence and smooth operation;
- to enable efficient management of current and intermediary archives by setting minimum periods during which official files are of administrative, legal and/or financial value;
- to ensure selective and rational compilation of historical archives on expiry of the PAV of official files;
- to establish a monitored procedure for destroying official files without historical or heritage value;
- to ensure rational management of infrastructure and space for storing official files in paper or electronic form;
- to ensure that historical archives are deposited in the Historical Archives of the European Union at the European University Institute of Florence².

CHAPTER II : CREATING AND DESCRIBING OFFICIAL FILES

ARTICLE 4 CREATING OFFICIAL FILES

When a department begins dealing with a task as part of an activity which has been allocated to it, it must establish an official file grouping together all the relevant documents; this originating department shall be responsible for proper application of official file management rules established by the Committee.

ARTICLE 5 DESCRIPTION OF OFFICIAL FILES

For each official file, the originating departments must provide at least the following descriptive data:

- classification number from the CoR's filing plan³;
- title of the file;

² Pursuant to Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43 of 15.2.1983) and Council Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 amending Council Regulation (EEC, Euratom) No 354/83 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 243, 27.9.2003).

³ Cf. Decision No 405/2006 of the Secretary-General on the implementing provisions for Articles 2 and 4 of Decision No 129/2003 of the Secretary-General on document management at the CoR: "Filing Committee of the Regions documents".

- originating department;
- date of creating/opening the file;
- date of closing the file;
- status of the file (ongoing, closed, transferred, destroyed).

CHAPTER III : RULES FOR PRESERVING OFFICIAL FILES

ARTICLE 6 EVALUATION

Each official file is created with a specific purpose, depending on its initial use. Thus, it always has primary value as an administrative, legal and/or financial record.

Apart from this primary value, some official files acquire secondary value. In this case they are used for purposes other than those for which they were created and acquire a historical or heritage value.

Evaluation of the primary and secondary value of the Committee's official files shall be used to determine preservation rules defining their PAV and disposition; these rules shall be combined in the form of the preservation schedule for the Committee's official files appended to this decision.

ARTICLE 7 TRANSFER

Official files whose PAV has expired shall be transferred to the Archives Service in compliance with the provisions of Article 7 of Decision No 129/2003 of the Secretary-General on document management at the CoR. The Archives Service shall deal with the document in accordance with what has been decided in the preservation schedule, i.e. preservation or destruction.

Each transfer shall be recorded in a detailed transmittal form drawn up by the transferring department and submitted to the Archives Service for countersigning. Transfers shall be numbered and recorded in the Committee's archives database.

ARTICLE 8 PRESERVATION

1. Archiving rooms

The Committee's official files shall be preserved in rooms with conditions conducive to the physical preservation of documents in various media, for example with regard to compliance with current standards on temperature, humidity, light, air filtering and prevention of parasites and other rodents.

2. Processing

After they have been transferred, the Committee's official files for historical preservation shall be recorded by the Archives Service in the Committee's archives database in compliance with ISAD(G) and ISAAR(CPF) international archiving standards issued by the International Council on Archives.

3. Migration

Preventive preservation of official files requires regular migrations of format and medium so that information remains accessible and readable.

Migration of official files whose PAV has not expired shall be the responsibility of the originating department, if necessary in collaboration with the IT department.

Migration of official files preserved due to their historical or heritage value shall be the responsibility of the Archives Service, if necessary in collaboration with the originating department and/or the IT department.

4. Back-up copies

Back-up copies shall be made of official files for historic preservation and stored in a separate building in which the conditions for physical preservation are suitable for the relevant medium.

**ARTICLE 9
DESTRUCTION**

Official files whose PAV has expired and which are to be destroyed under the preservation schedule shall be transferred to the Archives Service so that destruction can be carried out. The originating department shall draw up a detailed destruction form submitted to the Archives Service for countersigning.

1. Sampling

Once the official files have been transferred, the Archives Service shall evaluate whether it is worth carrying out sampling for statistical or testimony purposes. Where appropriate, the Archives Service shall establish the criteria for sampling. Sampling shall be initiated and carried out for historical preservation purposes in compliance with Article 8 of this decision. Other files shall be destroyed in compliance with the following provisions.

2. **Destruction**

Official files which are to be disposed of shall be destroyed in such a way as to make the information which they contain illegible.

Only the Archives Service shall be authorised to destroy official files.

ARTICLE 10 **REFERRAL**

Access to archive collections must comply with provisions for the protection of personal data⁴.

1. **Access to historical archives less than 30 years old**

The originating department may consult official files which it has transferred to the Archives Service at its request. Other departments can also consult them if they have the prior approval of the originating department.

Consultation of the archive collection of the Committee's presidents and vice-presidents shall require the agreement of the Secretary-General.

Archives may be consulted in the premises of the Archives Service.

Public access to Committee documents shall be governed by Regulation No 1049/2001⁵ and the relevant Bureau decisions⁶.

2. **Public access to the historical archives**

Historical archives which are over 30 years old shall be opened to the public in compliance with the provisions of Regulation No 354/1983⁷ as amended by Regulation No 1700/2003⁸.

⁴ Regulation (EC) No. 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001).

⁵ Regulation (EC) No. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31 May 2001).

⁶ Bureau Decision No 64/2003 on "Public access to Committee of the Regions documents" and Bureau Decision No 128/2003 on "Public access to Committee of the Regions documents via the electronic document register".

⁷ Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983).

CHAPTER IV: IMPLEMENTATION

ARTICLE 11

UPDATING THE PRESERVATION SCHEDULE

The preservation schedule shall be updated to reflect changes in activities, Committee procedures and rules in force.

Proposals for changes shall be submitted in writing to the Archives Service.

Proposals for changes concerning the PAV or the disposition of files may result in a new version of the preservation schedule adopted by the Secretary-General after consultation with the Interservice Group of Document Managers.

ARTICLE 12

RESPECT FOR PROVISIONS ON THE PROTECTION OF PERSONAL DATA

These implementing provisions shall apply without prejudice to the provisions governing protection of personal data, as set out in Regulation (EC) No 45/2001⁹. The said provisions shall therefore apply in full to the filing of documents containing personal data that should be protected.

ARTICLE 13

ENTRY INTO FORCE

This decision shall take effect on the date of its signature.

Brussels, 11 march 2008

(signed)

G. Stahl

Appendix: Preservation schedule of the Committee of the Regions

⁸ Council Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 amending Council Regulation (EEC, Euratom) No 354/83 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 243, 27.9.2003).

⁹ Regulation (EC) No. 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001).